

CITY OF OAKLAND



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July 9, 2008

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VIA E-FILE AND HAND DELIVERY

Hon. Jeffery S. White
United States District Court
450 Golden Gate Avenue, 17th Floor
San Francisco, CA 94102

Re: Aldabashi, et al. v. DOES 1 through 20, et. al.
United States District Court No. C08-00217 JSW

Dear Judge White:

INTRODUCTION

Plaintiffs contend that the City of Oakland violated federal and state law when an Oakland police officer shot and killed plaintiffs' German shepherd dog while the officer was responding to a call for service on October 3, 2006. The officer contends that he shot the dog in self defense as it was charging to attack him. The plaintiffs deny that the dog posed a threat to the officer.

Beverly Aldabashi is the only plaintiff who witnessed the subject incident. She is also the only plaintiff residing in California and the only one represented by counsel. The two remaining plaintiffs, Saleh and Julian Aldabashi, reside in Tennessee.

FACTS

At the initial case management conference on April 25, 2008, the Court ordered that a settlement conference take place before July 24, 2008 and that the parties were to complete discovery necessary to meaningfully participate in the conference beforehand. A settlement conference is now scheduled for July 23, 2008.

On May 5, 2008, the City of Oakland served, via messenger, a notice of Ms. Aldabashi's deposition with document requests pursuant to Federal Rules 26, 30 and 34 to her counsel, Omar Krashna. The deposition was noticed for June 6, 2008. There were no objections to the notice of deposition.

On June 4th, Mr. Krashna advised Stephen Rowell, the City's Attorney, that plaintiff missed her pre-deposition appointment and that he was having difficulty reaching her and that he doubted that he could produce her on June 6th.

On the following day, June 5th, Mr. Krashna advised Mr. Rowell that he spoke to Ms. Aldabashi when he drove to her home the night before. Mr. Krashna stated that Ms. Aldabashi presented him with then-recent hospital records of emergency medical care and admission at a local hospital. Mr. Krashna stated that the records appeared to show that Ms. Aldabashi had been discharged on or around June 4. When he visited her home she was confined to her bed—still recovering from her medical problem. In light of these circumstances, the parties agreed to continue the deposition to June 27th at 10:00 a.m. in the Oakland City Attorney's Office.

On the afternoon of June 26th, Mr. Krashna advised Mr. Rowell that Ms. Aldabashi again missed her scheduled pre-deposition appointment and that he wasn't certain that she would appear at the deposition.

Ms. Aldabashi did not appear at her scheduled deposition on June 27th. Mr. Krashna did appear for the deposition in anticipation of his client's own appearance. Both counsel waited for Ms. Aldabashi for approximately one hour. According to Mr. Krashna, she had not been in contact with his office and his staff was unable to reach her by telephone. When Mr. Krashna drove to her residence later that day in attempt to confer with her, Ms. Aldabashi's roommate advised that she had been home earlier in the day, but left without saying where she was going.

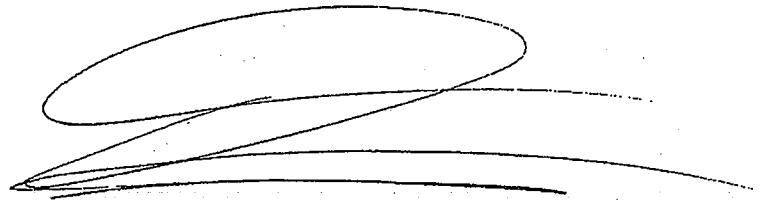
RELIEF SOUGHT

Counsel for the City of Oakland and Beverly Aldabashi stipulate to entry of an order compelling plaintiff Beverly Aldabashi appear for deposition at 10:00 a.m., July 22, 2008 at the Oakland City Attorney's Office, One Frank Ogawa Plaza, Oakland California and that Ms. Aldabashi reimburse the City of Oakland \$271.25 (the cost of the court reporter) stemming from her failure to appear at her deposition on June 27, 2008. Ms. Aldabashi is to bring the documents requested in the original notice of deposition.

In light of the foregoing, counsel respectfully request the court to extend the deadline for completion of the settlement conference.

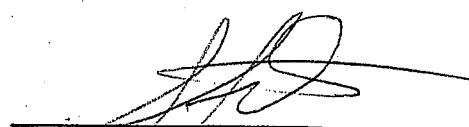
Respectfully Submitted,

Date: 07/09/2008



OMAR KRASHNA
Attorney for BEVERLY ALDABASHI

Date: 07/09/2008


STEPHEN Q. ROWELL
Attorney for the CITY OF OAKLAND

CC: Saleh Aldabashi
456959